

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WESTMINISTER SECURITIES et al., :

Plaintiffs, :

-v.- :

URANIUM ENERGY CORPORATION et al., :

Defendants. :


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GABRIEL W. GORENSTEIN, United States Magistrate Judge

The Court has considered the parties' submission regarding the location of defendants' deposition (Docket # 28), including all the case law cited therein. The Court recognizes that a defendant's deposition normally should take place at his or her residence or place of business. The Court concludes, however, that certain factors weigh strongly against this outcome – in particular, the fact that plaintiffs were constrained by the forum selection clause to file suit in New York as well as the location of plaintiffs' counsel and of the plaintiffs themselves, who are expected to play an integral role in the conduct of the deposition. Also weighing against this outcome is the fact that the only identified witness of defendant engages in "extensive" business travel already.

While these issues of convenience and efficiency weigh in favor of the deposition or depositions taking place in New York, there is also the question of cost. On this record, the Court does not see why the defendants should bear the full economic costs of this outcome. Accordingly, while the Court will require that the depositions to take place in New York, it will also require plaintiffs to bear the reasonable (1) airfare expenses (coach) and (2) hotel expenses of the defendants' witnesses, assuming the depositions take place at a time the witnesses were not in New York for other reasons.¹ These are the only expenses plaintiffs must bear. Thus, they need not bear any costs associated with the travel of defendants' attorneys.

SO ORDERED.

Dated: May 18, 2016
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge

¹ The plaintiffs' obligation to bear these expenses extends only up to two witnesses for defendants. If there are more, defendants shall bear all the expenses of the additional witnesses.

